

REMARKS

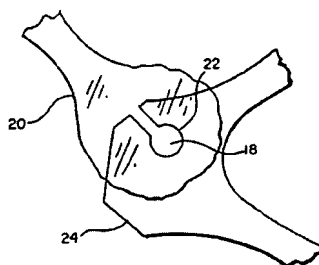
The Office Action, mailed January 30, 2007, has been reviewed and the Examiner's comments considered. Claims 25-59 are pending in this application. New claims 50-59 are added by this amendment, support for which is found in the originally filed application at, for example, pp. 17-18 and 21-22. Applicant submits that no new matter or issues have been introduced.

Claim Rejections - 35 U.S.C. § 102

Claims 25-28, 30, 32-34, 36-41, 43, 44 and 48 stand rejected under 35 USC § 102(b) as being anticipated by WO 01/01888 to Smith et al. (hereinafter, "Smith"). Applicant respectfully traverses this rejection.

Independent claim 25 recites, *inter alia*, "each of the rings defining at least one bridge strut and adjacent rings being linked by at least one bridge formed by cooperation between adjacent bridge struts on adjacent rings; wherein said at least one bridge exhibits reduced electrical conductivity throughout the wall thickness."

Fig. 6



Smith is directed to a flexible segmented stent including a plurality of stent segments interconnected by plastic connectors. The stent segments are made of an elastic material (i.e., non-deformable), while the connectors are made of a deformable material. This arrangement is alleged to provide constrained motion with some flexibility, while also permitting permanent expansion. (p. 3, lines 3-4, 12-18 of Smith). Interconnection between stents is shown in FIG. 6 of Smith (reproduced above), where "a raised portion 18 is formed on connector 20 and an opening is formed

in stent 24, the opening being shaped to receive portion 18 and interfit therewith.” (p. 4, lines 26-28 of Smith).

The Examiner purportedly finds each and every element of independent claim 25 in Smith. However, Smith does not show or describe at least the following claimed features: 1) each of the rings defining at least one bridge strut; 2) at least one bridge formed by cooperation between adjacent bridge struts on adjacent rings; and 3) at least one bridge exhibits reduced electrical conductivity throughout the wall thickness. Accordingly, Applicant respectfully submits that Smith does not anticipate claim 25.¹

First, Smith does not show or describe “each of the rings defining at least one bridge strut.” In fact, Smith does not show or describe any of the rings defining at least one bridge strut, as claimed. Referring to FIG. 6 of Smith (reproduced above), the stent 24 (i.e., the alleged “stent ring”) includes an opening shaped to receive a raised portion of a connector 20. Applicant respectfully submits that an opening on a stent cannot be considered a bridge strut as claimed. Moreover, the connector 20 is disclosed as being formed “of a material different from that of the stent or stent segment *per se*” (p. 4, line 14). Thus, Applicant further submits that the connector 20 cannot be considered a bridge strut as claimed.

Second, even if a bridge strut could be identified in each of the Smith stent segments, there is no showing or description in Smith of “at least one bridge formed by a cooperation between adjacent bridge struts on adjacent rings.” This is due to the fact that the “bridge” shown in Smith is formed by a single plastic connector element, rather than “a cooperation between adjacent bridge struts on adjacent rings,” as claimed. Moreover, the connector element of Smith cannot be considered a bridge strut because it is made of a different material than the stent segment, as discussed above. Thus, the claimed feature of a bridge formed by a cooperation between adjacent bridge struts on adjacent rings where the bridge struts are defined by the adjacent rings, is not shown or described by Smith.

¹ MPEP § 2131, Eighth Edition, Rev. 5, August 2006, p. 2100-67.

Third, Smith does not show or describe the claimed feature that “at least one bridge exhibits reduced electrical conductivity throughout the wall thickness.” Smith shows and describes a connector element of a deformable material, such as plastic. Although the Examiner does not specifically say so, Applicants assume for purposes of this response that the Examiner considers the plastic connector element as anticipating this claimed feature. However, as known to one skilled in the art, polymeric plastics, such as those described on p. 4, lines 12-13 of Smith, do not exhibit “reduced electrical conductivity” as claimed, they exhibit no electrical conductivity. According to the instant specification, while no electrical conductivity would be ideal, “in reality there must inevitably be some residual conductivity” between two adjacent rings (p. 23). This is due at least in part to the fact that the claimed “at least one bridge” is formed by “cooperation between adjacent bridge struts on adjacent rings” as opposed to a plastic connector element, as shown and described in Smith. Thus, whereas allegedly Smith describes a bridge that exhibits no electrical conductivity throughout the wall thickness, Smith does not describe a bridge that exhibits reduced electrical conductivity as claimed.

This is not merely a semantical difference, but one that is borne from the metal structure claimed. As discussed in the instant specification, a reduced electrical conductivity (at least with respect to the claimed bridge struts) “is to be construed such that the electrical conductivity of that portion between two bridge struts facing each other on two adjacent rings is substantially less” (p. 23). A reduced electrical conductivity can be created in a portion of the bridge through different means, such as, for example, utilizing increased heat during cutting of the mating portions (p. 17), immersing one or both of the mating portions in an oxidizing agent (p. 17), radiating one or both of the mating portions in an oxidizing agent (p. 17), or modifying the chemical composition of the abutment surfaces of the struts (p. 23). Thus, Smith does not show or describe at least one bridge that “exhibits reduced electrical conductivity throughout the wall thickness” as claimed.

In view of the above, Applicant submits that Smith does not anticipate independent claim 25 because Smith does not show or describe each and every element thereof. Specifically, Smith does not show or describe at least the claimed features: 1) each of the rings defining at least one bridge strut; 2) at least one bridge formed by cooperation between adjacent bridge struts on

adjacent rings; and 3) at least one bridge exhibits reduced electrical conductivity throughout the wall thickness. Accordingly, Applicant submits that claim 25, and claims 26-28, 30, 32-34, 36-41, and 43 dependent thereon, are patentable over Smith and respectfully request withdrawal of this rejection.

Independent claim 44 recites, *inter alia*, “forming bridges between adjacent rings by approximating respective bridge struts of adjacent rings; and furnishing said bridges between each ring and its adjacent ring with reduced electrical conductivity throughout the wall thickness.”

In view of the discussion above in connection with independent claim 25, Applicant submits that Smith does not anticipate independent claim 44 because Smith does not show or describe at least the claimed steps of: 1) forming bridges between adjacent rings by approximating respective bridge struts of adjacent rings, and 2) furnishing said bridges between each ring and its adjacent ring with reduced electrical conductivity throughout the wall thickness. Accordingly, Applicant submits that claim 44, and claim 48 dependent thereon, are patentable over Smith and respectfully request withdrawal of this rejection.

Claim Rejections - 35 U.S.C. § 103

Claims 26-31 and 42 stand rejected under 35 USC § 103(a) as being unpatentable over Smith in view of USPN 5,741,327 to Frantzen. Claims 35 and 49 stand rejected under 35 USC § 103(a) as being unpatentable over Smith in view of WO 99/43378 to Leonhardt. Claims 45-47 stand rejected under 35 USC § 103(a) as being unpatentable over Smith. Applicant respectfully traverses these rejections.

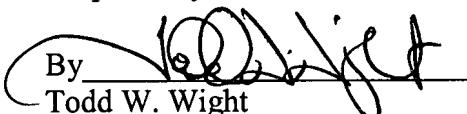
Each of claims 26-31, 35, 42, 45-47 and 49 are believed to be patentable in view of the cited combination of references at least because each is dependent on a patentable independent claim, as discussed above. Therefore, Applicant respectfully requests withdrawal of these rejections.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 480052000600. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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